

REMARKS

Introduction

This paper is presented in response to the non-final official action of January 15, 2009, wherein (a) claims 1-32 were pending, (b) claims 1-12, 14-16, and 19-32 were withdrawn from consideration, (c) the drawings were objected to, (d) claim 18 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite, (e) claim 13 was rejected under 35 U.S.C §102(b) as anticipated by Cooper U.S. 2002/0067407 A1 ("Cooper"), (f) claims 13, 17, and 18 were rejected under 35 U.S.C §102(b) as anticipated by Guthrie U.S.5,230,623 ("Guthrie"), (g) claims 13, 17, and 18 were rejected under 35 U.S.C §103(a) as obvious over Neer et al. U.S. 5,422,521 ("Neer") in view of Uejima et al. U.S. 5,902,105 ("Uejima"), and (h) claims 13, 17, and 18 were provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 12, 19, and 20 of co-pending U.S. Ser. No. 10/575,150.

By the foregoing, claims 13 and 18 are amended and claim 17 is canceled. Claims 13 and 18 remain at issue. In view of the foregoing amendments and the following remarks, reconsideration of the application is respectfully requested.

Drawing Objections

The official action objects to the drawings as informal, but acceptable for examination. The applicants will submit formal drawings before allowance.

§112 Rejections

Claim 18 was rejected under §112, second paragraph because the recitations of the preamble were allegedly unclear and lacked antecedent basis for "the unit administering the user interface." The applicants have amended claim 18 to clarify the preamble and to delete the phrase "the unit administering...." Because this amendment clarifies and deletes the allegedly indefinite recitations of claim 18, the applicants believe this amended claim is not indefinite. Reconsideration and withdrawal of the rejection of claim 18 under §112, second paragraph are respectfully requested.

Art-based Rejections

Claim 13

Amended claim 13 (the only independent claim at issue) recites, *inter alia*, that an input device generates navigation information for the control of a pointer on a user interface, which user interface is represented on a display of a dentist's treatment station, and control information with which functions of the apparatuses are selectable and/or activatable independently of the navigation information. None of Cooper, Guthrie, Neer, or Uejima disclose or suggest at least this element of amended claim 13.

§102(b) Rejections

The action states on page 4 that Cooper does not disclose controlling a pointer on a user interface, as recited in original claim 17. This element of original claim 17 has been added by amendment to claim 13. Thus, Cooper does not anticipate amended claim 13.

Guthrie describes a pointer or arm device that may be used in a dental operatory that includes a computer and graphics display. The arm may be used as a pointer or "3D mouse" so that the pointer can be moved in space by a surgeon using movement of a remote footpad, where the pointer's position visualized by a crosshair on a graphic screen in view of the surgeon. Movement of the remote footpad corresponds to movement of the cursor on the screen and the pointer in space. This navigation may also be used to select or control various functions of the pointer, but always includes the movement and navigation of both the cursor and the pointer. Thus, the movement of the remote footpad described by Guthrie does not disclose the input device as recited in amended claim 13 that generates control information with which functions of the apparatuses are selectable and/or activatable independently of the navigation information. Because Guthrie does not disclose control information that is independent of the navigation information, as recited by amended claim 13, Guthrie does not anticipate this claim or claim 18 depending therefrom.

Therefore, amended claim 13 and claim 18 depending therefrom are distinguishable from both Cooper and Guthrie. Accordingly, claims 13 and 18 are not anticipated by the applied reference, and an indication to that effect is solicited.

§103(a) Rejections

Neer discloses a foot-operated control system for a multi-function device that may be used in a dental operatory. The disclosed device may be manipulated by the foot of an operator to generate selection and actuation signals. Movement of the pedal navigates through a graphical function menu to highlight each available function. The user may then actuate the pedal to select and perform one of the highlighted functions. The navigation information generated by the device is also used to send control information for the various, selectable functions. Therefore, the device movement does not disclose the input device as recited in amended claim 13 that generates control information with which functions of the apparatuses are selectable and/or activatable independently of the navigation information. Because Neer does not disclose control information that is independent of the navigation information, as recited by amended claim 13, Neer does not teach or suggest each and every element of this claim or claim 18 depending therefrom. Likewise, Uejima does not disclose or suggest this element. Because Neer in view of Uejima does not teach or suggest each and every element of amended claim 13, the applicants respectfully request that the rejection of this claim, and claim 18 depending therefrom, be reconsidered and withdrawn. Accordingly, claims 13 and 18 are not obvious over the applied references, and an indication to that effect is solicited.

Double-patenting Rejection

Claims 13, 17, and 18 have been rejected for obviousness-type double patenting over claims 12, 19, and 20 of co-pending application Ser. No. 10/575,150. This is a provisional double-patenting rejection, as the subject claims of Ser. No. 10/575,150 have in fact not yet been patented.

As such, a substantive response to the double-patenting rejection will be held in abeyance until such time as the subject claims of the co-pending application have been patented.

Conclusion

A prompt indication of allowability is solicited.

Should the examiner wish to discuss the foregoing or any matter of form in an effort to advance this application toward allowance, he is urged to telephone the undersigned at the indicated number.

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Respectfully submitted,

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